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| 09/403,593 | 02/15/2000 | JOHN PETERSON | JJ-9722US | 7479 |

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EXAMINER

CHARLES, DEBRA F

ART UNIT

PAPER NUMBER

3628

DATE MAILED: 08/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/403,593

Applicant(s)

PETERSON ET AL.

Examiner

Debra F. Charles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 July 2003 has been entered.

Response to Arguments

2. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, while Humphries et al.'s screen is not touch-sensitive and Moderi et al.'s does, Examiners are permitted to combine references where it is obvious that the technologies can be combined incorporated herein. The Moderi et al. touch screen provides for user-selected information and it is obvious to combine the Moderi et al. touch screen with the Humphries et al. controller because the controller does permit connections to and access to outside information (Humphries et al., Abstract, Col. 8, Lines 45-60, Col. 9, Lines 45-56) and it is obvious this would include an outside data access provider.

Claim Objections

3. Claim 4 is objected to because of the following informalities: The claim references itself. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries et al. (U.S. PAT. 5621662 A), Moderi et al. (U. S. PAT. 5510979 A) and Mahoney et al. (U.S. PAT. 5819271 A).

Re Claim 1: Humphries et al. disclose a controller (Abstract, Col. 2, lines 33-46) for controlling the function of components, the controller interacting with a control panel to control operation of the security system (Abstract, Col. 8, Lines 49-67, Col. 9, Lines 45-55, Col. 14, Lines 50-62, Col. 17, Lines 10-21, Col. 18, Lines 5-50, Col. 19, Lines 10-30, 35-45, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50) the function of the components of the security system being controllable by touching a portion of the screen having the component or security system, the controller also providing for, selection and display of user selectable information not related to the operation of the security system (Col. 14, Lines 50-62, Col. 17, Lines 10-21, Col. 18, Lines 5-50, Col. 19, Lines 10-30, 35-45, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50).

Humphries et al. does not explicitly disclose(s) a touch sensitive screen with a graphical representation of the security system and the components displayed on the screen, to be controlled displayed thereon. However, in col. 1, lines 36-43, col. 7, lines 1-15 thereof, Moderi et al. disclose(s) indicating a touch-sensitive screen connected to a microcomputer by a touch-sensitive screen interface and a video monitor connected to microcomputer. Thus, it would have been obvious to one of ordinary skill in the art to

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modify the method of Humphries et al. by adopting the teachings of Moderi et al. The motivation to combine these references is it enables easier product construction and use in the home environment.

Humphries et al. does not explicitly disclose(s) an external data access provider. However, in Abstract, Fig. 1, col. 1, line 60-col. 2, line 55 thereof, Mahoney et al. disclose(s) Bloomberg-Multex Research that an external data provider providing access to corporate data news reports on a daily basis. Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Humphries et al. by adopting the teachings of Mahoney et al. The motivation to combine these references is to ensure access to weather information, news reports, sports information, and financial information from a connection leading into the home environment. The Fig. 1 shows the connection from the external data access provider to the PC inside of the home. It would be obvious that if corporate news and financial reports are transmitted into the home computer that the same reports along with weather and sports reports are also transmittable into the home via any other computerized device.

Re Claim 2: Humphries et al. disclose a controller(Col. 2, lines 33-46) that provides for control of home automation functions by providing a display of the environment conditions capable of being controlled in the home automation functions(Col. 4, lines 42-67).

Re claim 4: Humphries et al. does not explicitly disclose(s) user-selectable information that consists of one or more items selected from the group consisting of weather information, news reports, sports information, and financial information. However, in Abstract, Fig. 1, 3, col. 1, line 60-col. 2, line 55, Col. 10, Lines 7-40, Col. 11, Lines 40-53, thereof, Mahoney et al. disclose(s) Bloomberg-Multex Research that an external data provider providing access to corporate data news reports on a daily basis. Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Humphries et al. by adopting the teachings of Mahoney et al. The motivation to combine these references is to ensure access to weather information, news reports, sports information, and financial information from a connection leading into the home environment. It would be obvious that if corporate news and financial reports are transmitted into the home computer that the same reports along with weather and sports reports are also transmittable into the home via any other computerized device.

6. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Humphries et al. and Mahoney et al.

Re claim 5: Humphries et al. disclose a security system comprising a plurality of detection devices and a controller connected to a control panel(Col. 2, Lines 33-46, Col. 4, Lines 40-67, Col. 5, Lines 10-27, Col. 17, Lines 55-65, Col. 18, Lines 5-50, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50), the control panel having a means for connecting (Col. 8, Lines 49-67, Col. 9, Lines 45-55), the controller having

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an input means for inputting data that responds to prompts, and a display means for displaying at least a number of alphanumeric characters(Col. 14, Lines 50-62, Col. 17, Lines 10-21, Col. 18, Lines 5-50, Col. 19, Lines 10-30, 35-45, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50), the controller interacting with the control panel to control operation of the security system and display the user selectable information(Col. 8, Lines 49-67, Col. 9, Lines 45-55, Col. 14, Lines 50-62, Col. 17, Lines 10-21, Col. 18, Lines 5-50, Col. 19, Lines 10-30, 35-45, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50).

Humphries et al. does not explicitly disclose(s) an external data access provider. However, in Abstract, Fig. 1, col. 1, line 60-col. 2, line 55 thereof, Mahoney et al. disclose(s) Bloomberg-Multex Research that an external data provider providing access to corporate data news reports on a daily basis. Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Humphries et al. by adopting the teachings of Mahoney et al. The motivation to combine these references is to ensure access to weather information, news reports, sports information, and financial information from a connection leading into the home environment. The Fig. 1 shows the connection from the external data access provider to the PC inside of the home. It would be obvious that if corporate news and financial reports are transmitted into the home computer that the same reports along with weather and sports reports are also transmittable into the home via any other computerized device.

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Re claim 6: Humphries et al. does not explicitly disclose(s) wherein the user selectable information is one or more items selected from the group consisting of weather information, news reports, sports information, and financial information. However, in Abstract, Abstract, Fig. 1, 3, col. 1, line 60-col. 2, line 55, Col. 10, Lines 7-40, Col. 11, Lines 40-53 thereof, Mahoney et al. disclose(s) Bloomberg-Multex Research that an external data provider providing access to corporate data news reports on a daily basis. Thus, it would have been obvious to one of ordinary skill in the art to modify the method of Humphries et al. by adopting the teachings of Mahoney et al. The motivation to combine these references is to ensure access to weather information, news reports, sports information, and financial information from a connection leading into the home environment. It would be obvious that if corporate news and financial reports are transmitted into the home computer that the same reports along with weather and sports reports are also transmittable into the home via any other computerized device.

Re claim 7: Humphries et al. disclose the controller also provides for control of home automation functions(Col. 3, Lines 50-67, Col. 4, Lines 1-67).

Re claim 8: Humphries et al. disclose the display means is a LCD or LED display capable of displaying graphical data(Col. 14, Lines 50-62, Col. 17, Lines 10-21, Col.

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18, Lines 5-50, Col. 19, Lines 10-30, 35-45, Col. 20, Lines 5-15, 40-60, Col. 21, Lines 5-20, 40-50, Fig. 15).

7. This is a RCE of applicant's earlier Application No. 09403593. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra F. Charles whose telephone number is (703) 305-4718. The examiner can normally be reached on 9-5 Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung Sough can be reached on (703) 308-0505. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5771.

Debra F. Charles
Examiner
Art Unit 3628

dfc


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